

Serial No. 10/046,953

William Kress Bodin

Page 10 of 14

Section III:
AMENDMENT UNDER 37 CFR §1.121 to the
DRAWINGS

No amendments or changes to the Drawings are proposed.

Serial No. 10/046,953

William Kress Bodin

Page 11 of 14

Section IV:
AMENDMENT UNDER 37 CFR §1.121
REMARKS

Rejections under 35 U.S.C. §103

Rejections of Claims 1 - 3, 10 - 12, and 19 - 21 over Zimmerman in view of Pryor

In the Office Action, claims 1 - 3, 10 - 12, and 19 - 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent 4,988,981 to Zimmerman, *et al.*, (hereinafter "Zimmerman"), in view of US Patent 6,750,848 to Pryor (hereinafter "Pryor").

Claims 1, 10 and 19 are independent claims from which claims 2 - 3, 11 - 12, and 20 - 21 depend, respectively. Claims 1, 10 and 19 have been amended to include steps, elements or limitations not taught by Zimmerman in view of Pryor, as stated in the Office Action (pg. 5) with reference to claims 4 - 6, 13 - 15, and 22 - 24. Claim 1 has been amended to include the steps, elements of limitations of Claim 4. Likewise, Claim 10 has been amended to include the details of Claim 13, and Claim 19 has been amended to include the details of Claim 22.

Please refer to the following paragraphs regarding rejections of claims over Zimmerman in view of Pryor in further view of Kanevsky. Reconsideration of the rejections and allowance of claims 1 - 3, 10 - 12, and 19 - 21 as amended is requested.

Rejections of Claims 4 - 6, 13 - 15, and 22 - 24 over Zimmerman in view of Pryor in further view of Kanevsky

In the Office Action, claims 4 - 6, 13 - 15, and 22 - 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zimmerman in view of Pryor, in further view of US Patent 6,421,453 to Kanevsky, *et al.* (hereinafter "Kanevsky"). Claims 5 - 6 depend from Claim 4, which in turn depends from Claim 1. Claims 14 - 15 depend from Claim 13, which depends from Claim 10. Claims 23 - 24 depend from Claim 22, which depends from Claim 19.

It was stated in the Office Action that Zimmerman in view of Pryor fails to teach using a gesture recognition to authorize a physical security action, as claimed in Claims 4, 13, and 22. Thus, Kanevsky was employed to teach authorization of a physical security action. Kanevsky is not available as prior art against the present patent application, per 35 U.S.C. §103(c).

Serial No. 10/046,953

William Kress Bodin

Page 12 of 14

Statement of Common Ownership under 35 U.S.C. §103(c)

The present patent application, serial number 10/046,953, and US Patent 6,421,453 to Kanevsky, *et al.*, were, at the time the invention of the present patent application was made, owned by IBM Corporation, or subject to assignment to IBM Corporation.

Applicant has amended Claims 1, 10, and 19, to incorporate the steps, elements, and limitations of Claims 4, 13, and 22, respectively. Thus, Claims 1, 10, and 19, and Claims 2 - 6, 11 - 15, and 20 - 24, which depend from them, are patentably distinct from Zimmerman in view of Pryor. Applicant requests entry of the amendment, and allowance of claims 1 - 6, 10 - 15, and 19 - 24.

Rejections of Claims 7, 16, and 25 over Zimmerman in view of Pryor in further view of Grabau

In the Office Action, claims 7, 16, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zimmerman in view of Pryor, in further view of US Patent 6,634,560 to Grabau (hereinafter "Grabau"). Claim 7 depends from Claim 1, claim 16 depends from Claim 10, and Claim 25 depends from Claim 19.

For the foregoing reasons, and in view of the amendment to Claims 1, 10, and 19, Zimmerman in view of Pryor in further view of Grabau fails to teach all of the claimed steps, elements, and limitations. On these grounds, applicant requests allowance of claims 7, 16, and 25.

Further, Grabau is directed towards a system which does not use an RFID device in a manner to track the user's gesture or movement. Rather, the RFID device is statically affixed to a digitizing tablet (col. 2 line 65 - col. 3 line 1; col 3 lines 12 - 13), and a stylus is moved by the user in contact with a pressure sensitive surface of the digitizing tablet to create user input (col. 3, lines 56 - 59). The RFID is used to identify the form being placed on the digitizing tablet,

Serial No. 10/046,953

William Kress Bodin

Page 13 of 14

but it is not being used to enter a user authentication such as a PIN or password.

For these additional reasons, Zimmerman in view of Pryor, in further view of Grabau fails to teach all of the elements, steps, and limitations of Claims 7, 16, and 25. On these additional grounds, applicant requests allowance of claims 7, 16, and 25.

Rejections of Claims 8, 17, and 26 over Zimmerman in view of Pryor in further view of Hiroaki in further view of Lawrence

In the Office Action, claims 8, 17, and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zimmerman in view of Pryor, in further view of US Patent 6,661,425 to Hiroaki (hereinafter "Hiroaki"), in further view of US Patent 3,580,058 to Lawrence (hereinafter "Lawrence"). Claim 8 depends from Claim 1, claim 17 depends from Claim 10, and Claim 26 depends from Claim 19.

For the foregoing reasons, and in view of the amendment to Claims 1, 10, and 19, Zimmerman in view of Pryor in further view of Grabau fails to teach all of the claimed steps, elements, and limitations. On these grounds, applicant requests allowance of claims 8, 17, and 26.

Serial No. 10/046,953

William Kress Bodin

Page 14 of 14

Rejections of Claims 9, 18, and 27 over Zimmerman in view of Pryor in further view of Fleck

In the Office Action, claims 9, 18, and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zimmerman in view of Pryor, in further view of US Patent 6,556,198 to Fleck, *et al.* (hereinafter "Fleck"). Claim 9 depends from Claim 1, claim 18 depends from Claim 10, and Claim 27 depends from Claim 19.

For the foregoing reasons, and in view of the amendment to Claims 1, 10, and 19, Zimmerman in view of Pryor in further view of Grabau fails to teach all of the claimed steps, elements, and limitations. On these grounds, applicant requests allowance of claims 9, 18, and 27.

Respectfully Submitted,

Robert Frantz

Agent for Applicant(s)
Robert H. Frantz, Reg. No. 42,553
Tel: (405) 812-5613